

## STATE OF SOUTH CAROLINA

Application of South Carolina Electric & Gas Company for  
Increases and Adjustments in Electric Rate Schedules and  
Tariffs

BEFORE THE  
PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA

## COVER SHEET

DOCKET

NUMBER: 2009 - 489 - E

(Please type or print)

Submitted by: K. Chad BurgessSC Bar Number: 69456

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NOTE: The cover sheet and information contained herein neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Public Service Commission of South Carolina for the purpose of docketing and must be filled out completely.

**DOCKETING INFORMATION** (Check all that apply)

☐ Emergency Relief demanded in petition ☐ Request for item to be placed on Commission's Agenda expeditiously

☐ Other: \_\_\_\_\_

INDUSTRY (Check one)	NATURE OF ACTION (Check all that apply)			
<input checked="" type="checkbox"/> Electric	<input type="checkbox"/> Affidavit	<input checked="" type="checkbox"/> Letter	<input type="checkbox"/> Request	
<input type="checkbox"/> Electric/Gas	<input type="checkbox"/> Agreement	<input type="checkbox"/> Memorandum	<input type="checkbox"/> Request for Certification	
<input type="checkbox"/> Electric/Telecommunications	<input type="checkbox"/> Answer	<input type="checkbox"/> Motion	<input type="checkbox"/> Request for Investigation	
<input type="checkbox"/> Electric/Water	<input type="checkbox"/> Appellate Review	<input type="checkbox"/> Objection	<input type="checkbox"/> Resale Agreement	
<input type="checkbox"/> Electric/Water/Telecom.	<input type="checkbox"/> Application	<input type="checkbox"/> Petition	<input type="checkbox"/> Resale Amendment	
<input type="checkbox"/> Electric/Water/Sewer	<input type="checkbox"/> Brief	<input type="checkbox"/> Petition for Reconsideration	<input type="checkbox"/> Reservation Letter	
<input type="checkbox"/> Gas	<input type="checkbox"/> Certificate	<input type="checkbox"/> Petition for Rulemaking	<input type="checkbox"/> Response	
<input type="checkbox"/> Railroad	<input type="checkbox"/> Comments	<input type="checkbox"/> Petition for Rule to Show Cause	<input type="checkbox"/> Response to Discovery	
<input type="checkbox"/> Sewer	<input type="checkbox"/> Complaint	<input type="checkbox"/> Petition to Intervene	<input type="checkbox"/> Return to Petition	
<input type="checkbox"/> Telecommunications	<input type="checkbox"/> Consent Order	<input type="checkbox"/> Petition to Intervene Out of Time	<input type="checkbox"/> Stipulation	
<input type="checkbox"/> Transportation	<input type="checkbox"/> Discovery	<input type="checkbox"/> Prefiled Testimony	<input type="checkbox"/> Subpoena	
<input type="checkbox"/> Water	<input type="checkbox"/> Exhibit	<input type="checkbox"/> Promotion	<input type="checkbox"/> Tariff	
<input type="checkbox"/> Water/Sewer	<input type="checkbox"/> Expedited Consideration	<input type="checkbox"/> Proposed Order	<input type="checkbox"/> Other:	
<input type="checkbox"/> Administrative Matter	<input type="checkbox"/> Interconnection Agreement	<input type="checkbox"/> Protest		
<input type="checkbox"/> Other:	<input type="checkbox"/> Interconnection Amendment	<input type="checkbox"/> Publisher's Affidavit		
	<input type="checkbox"/> Late-Filed Exhibit	<input type="checkbox"/> Report		



K. Chad Burgess  
Assistant General Counsel

chad.burgess@scana.com

February 5, 2010

**VIA ELECTRONIC FILING**

The Honorable Charles Terreni  
Chief Clerk/Administrator  
**Public Service Commission of South Carolina**  
101 Executive Center Drive (29210)  
Post Office Drawer 11649  
Columbia, South Carolina 29211

RE: Application of South Carolina Electric & Gas Company for Increases and  
Adjustments in Electric Rate Schedules and Tariffs  
Docket No. 2009-489-E

Dear Mr. Terreni:

Enclosed for filing on behalf of South Carolina Electric & Gas is the Company's Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki in the above referenced docket.

By copy of this letter, we are also serving Mr. Wojcicki and counsel for the South Carolina Office of Regulatory Staff with a copy of the enclosed document and attach a certificate of service to that effect.

If you have any questions, please advise.

Very truly yours,

K. Chad Burgess

KCB/kms  
Enclosure

cc: Nanette S. Edwards, Esquire  
Shannon Bowyer Hudson, Esquire  
Joseph Wojcicki  
(all via First-Class U.S. Mail)

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2009-489-E**

**IN RE:**

Application of South Carolina Electric &  
Gas Company for Increases and  
Adjustments in the Company's Electric  
Rate Schedules and Tariffs.

**RETURN IN OPPOSITION AND  
OBJECTION OF SOUTH CAROLINA  
ELECTRIC & GAS COMPANY TO  
THE PETITION TO INTERVENE**

South Carolina Electric & Gas Company ("SCE&G" or "Company") hereby files with the Public Service Commission of South Carolina ("Commission") this Return in Opposition and Objection to the Petition to Intervene of Mr. Joseph Wojcicki, filed on or about February 2, 2010 ("Petition to Intervene"), in the above-captioned matter.

**ARGUMENT**

The instant docket involves SCE&G's application for increases and adjustments in the Company's electric rate schedules and tariffs. By electronic mail dated February 2, 2010, counsel for SCE&G received a document styled as "Petition to Intervene" from Joseph Wojcicki in the above-referenced docket. SCE&G respectfully requests that the Commission deny Mr. Wojcicki's request because Mr. Wojcicki lacks standing to intervene in this proceeding or, alternatively, because Mr. Wojcicki's Petition to Intervene fails to comply with applicable Commission regulations.<sup>1</sup>

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<sup>1</sup> As an initial matter, Mr. Wojcicki did not obtain consent from SCE&G to serve filings made in this docket upon the Company by e-mail or electronic service. *See* 26 S.C. Code Ann. Regs. 103-830.1 (1976, amended). Notwithstanding Mr. Wojcicki's failure to comply with the Commission's rules and regulations, the Company's response to Mr. Wojcicki's Petition to

**I. The Commission should deny the Petition to Intervene because Mr. Wojcicki is not an electric customer of SCE&G and therefore lacks standing to participate in this proceeding.**

The grant or denial of a petition to intervene is within the sound discretion of the Commission. However, such discretion is bounded by guiding principles and factors. One such principle is that a party generally must have standing to intervene. *See generally Ex Parte Gov't Employee's Ins. Co.*, 373 S.C. 132, 644 S.E.2d 699 (2007).

According to SCE&G's customer service records, the Company does not provide electric service to Mr. Wojcicki. Simply stated, Mr. Wojcicki is not an electric customer of SCE&G. *See* attached Exhibit A (Affidavit of Marsha H. Klatt). Because Mr. Wojcicki is not a customer, he does not possess the requisite standing to be a party of record in this docket. *Cf. Duke Power Company v. South Carolina Public Service Commission*, 284 S.C. 81, 326 S.E.2d 395 (1985) (holding that the actual ratepayers lacked standing because their asserted interests were "too contingent, hypothetical, and improbable to support standing to attack the ... practices of the Public Service Commission"). Consequently, Mr. Wojcicki has failed to meet the threshold required to qualify as an intervenor in this proceeding, and his Petition to Intervene must be denied.

**II. The Commission should deny the Petition to Intervene because Mr. Wojcicki failed to comply with applicable Commission regulations.**

Notwithstanding Mr. Wojcicki's lack of standing to participate in this matter, the Commission should also deny the Petition to Intervene because the Petition itself fails to comply with applicable Commission regulations. Those regulations require that a petition for intervention "shall set forth clearly and concisely" (i) the facts from which the petitioner's right

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Intervene should not be construed as SCE&G's consent to accept service electronically of any future filings made by Mr. Wojcicki or any other party in this docket. Therefore, the Company is not waiving, but specifically reserves its rights under Reg. 103-830.1.

or interest can be determined, (ii) the grounds of the proposed intervention, and (iii) the position of the petitioner in the proceeding. *See* 26 S.C. Code Ann. Regs. 103-825(A)(3). Mr. Wojcicki's Petition to Intervene does not include any statement which can be construed as satisfying the Commission's requirements contained in Rule 103-825(A)(3). The Petition to Intervene does not include any facts from which Mr. Wojcicki's right or interest can be determined, and it does not state any grounds for the proposed intervention. Moreover, the Petition to Intervene fails to state Mr. Wojcicki's position in this docket. Mr. Wojcicki's Petition to Intervene amounts to a single sentence request to be made a party of record and nothing more, which is insufficient – as a matter of law – to bestow intervention status upon Mr. Wojcicki. In light of these shortcomings, no basis or grounds exist in support of the petition, and the Petition to Intervene should therefore be denied.

### **CONCLUSION**

For the reasons set forth above, SCE&G respectfully requests that the Commission deny the Petition to Intervene.

Respectfully submitted,

  
K. Chad Burgess, Esquire  
Matthew Gissendanner, Esquire  
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Attorneys for Applicant  
South Carolina Electric & Gas Company

Cayce, South Carolina  
February 5, 2010

# Exhibit A

BEFORE

THE PUBLIC SERVICE COMMISSION OF

SOUTH CAROLINA

DOCKET NO. 2009-489-E

IN RE:

Application of South Carolina Electric &  
Gas Company for Adjustments and  
Increases in the Company's Electric  
Rate Schedules and Tariffs.

AFFIDAVIT

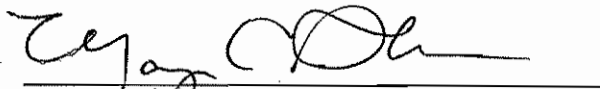
Personally appeared before me Marsha H. Klatt who, having first been duly sworn,  
deposes and states as follows:

1. My name is Marsha H. Klatt and I am a Senior Analyst for South Carolina Electric & Gas Company ("SCE&G" or "Company").
2. This affidavit is based upon my personal knowledge and review of documents received and maintained in the ordinary course of business by SCE&G. I am familiar with the records of SCE&G that pertain to its customers.
3. I conducted a search of the Company's records and determined that Mr. Joseph Wojcicki is not an electric customer of SCE&G.

FURTHER AFFIANT SAYETH NOT.

  
Marsha H. Klatt

Sworn to and subscribed before me  
this 5th day of February, 2010

  
Notary Public for South Carolina  
My Commission Expires: 5/30/2017

**BEFORE**  
**THE PUBLIC SERVICE COMMISSION OF**  
**SOUTH CAROLINA**  
**DOCKET NO. 2009-489-E**

IN RE:

South Carolina Electric & Gas Company    )  
Application for Increase in Electric Rate   )  
Schedules and Tariffs                        )  
\_\_\_\_\_)                                        )

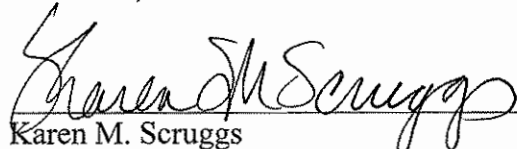
**CERTIFICATE  
OF SERVICE**

This is to certify that I have caused to be served this day a copy of South Carolina Electric & Gas Company's **Return in Opposition and Objection to the Petition to Intervene** via First Class U.S. Mail to the persons named below at the address set forth:

Nanette S. Edwards, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, SC 29201

Shannon Bowyer Hudson, Esquire  
**Office of Regulatory Staff**  
1401 Main Street, Suite 900  
Columbia, SC 29201

Joseph Wojcicki  
820 East Steel Road  
West Columbia, SC 29170

  
\_\_\_\_\_  
Karen M. Scruggs

Columbia, South Carolina

This 5th day of February 2010